

ESTTA Tracking number: **ESTTA755391**

Filing date: **06/29/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91225902
Party	Defendant 88 East Beverage Company
Correspondence Address	Daniel Christopherson Lehrman Beverage Law, PLLC 2911 Hunter Mill Road, Suite 303 Oakton, VA 22124 dan.christopherson@bevlaw.com
Submission	Other Motions/Papers
Filer's Name	Daniel Christopherson
Filer's e-mail	dan.christopherson@bevlaw.com
Signature	/Daniel Christopherson/
Date	06/29/2016
Attachments	Signed Combined RFA - filing copy.pdf(422733 bytes)

Amendment 3: In the event that Amendment 2 is not accepted by the Trademark Trial and Appeal Board (“Board”) and/or the Patent and Trademark Office (“PTO”), as appropriate, Applicant requests that a miscellaneous statement be added to the Application as follows:

“Applicant will not use GINGERHEAD in association with whiskey or prepared alcoholic

cocktails containing whiskey. Applicant makes no claim to the exclusive right to use "GINGER" apart from the mark as shown."

The purpose of the foregoing amendments is to narrow the identification of goods and to narrow and clarify Applicant's rights in the GINGERHEAD mark pursuant to a confidential Agreement with Opposer. The amendments do not affect the substance of the Application but merely serve to narrow the scope of the identification of goods and to narrow and clarify the scope of Applicant's rights to the GINGERHEAD mark. Accordingly, Applicant submits that the amendments can be entered without republication of the Application.

II. Stipulated Motion to Suspend the Opposition Proceeding

Applicant hereby requests, with the consent of Opposer, that the opposition proceeding be suspended so that the Board and/or the PTO, as appropriate, can evaluate the proposed amendments to the Application.

III. Stipulated Conditional Motion for Withdrawal of Opposition

Applicant hereby requests, with the consent of Opposer, that Opposer's Opposition filed in connection with the Application be withdrawn conditioned on the Board's and/or the PTO's, as appropriate, acceptance of (a) both Amendment 1 and Amendment 2 together, and/or (b) at least Amendments 1 and 3. The Parties stipulate that the Opposition Proceeding No. 91225902 shall be dismissed, without prejudice, upon the Board's and/or the PTO's acceptance of (a) both Amendment 1 and Amendment 2 together, and/or (b) at least Amendments 1 and 3.

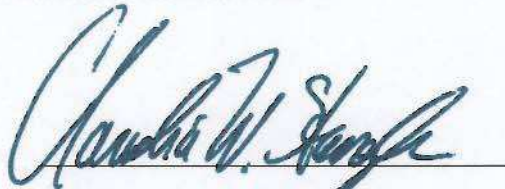
The undersigned consented to all of the foregoing:



Daniel J. Christopherson, Esq.

Lehrman Beverage Law, PLLC
2911 Hunter Mill Rd. Suite 303
Oakton, VA 22124
(202) 449-3739 ext. 708
Attorney for Applicant

Dated: _____



Claudia W. Stangle, Esq.

Leydig, Voit & Mayer, Ltd.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, IL 60601
(312) 616-5600
Attorney for Opposer

Dated: June 24, 2016